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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,924	01/16/2004	Jonathan W. Furlong	084554-9174-00	6538
23409	7590	10/31/2005		
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			EXAMINER LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/758,924	Applicant(s) FURLONG, JONATHAN W.	
	Examiner Carlos Lugo	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 21, 22, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-9 is/are allowed.
- 6) ☒ Claim(s) 1-6, 22 and 24 is/are rejected.
- 7) ☒ Claim(s) 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>attachment #1</u> . |

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on October 13, 2005.

Claim Objections

2. **Claim 22 is objected** to because of the following informalities:

- Claim 22 Line 2, change "the surface" to -the attachment surface-.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-6,21,22, and 24 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 2,001,666 to Keil.

Regarding claim 1, Keil discloses a door handle assembly attachable to a door that defines an attachment surface. The door handle assembly comprises a handle (13) coupled to the door; an actuator (28) coupled to the door; a latch bolt coupled to the actuator and movable along a latch bolt axis between an extended position and a retracted position; and an attachment member (21).

The attachment member defines an attachment axis that is substantially parallel to the attachment surface. The attachment member is movable along the attachment

axis relative to the handle between a first position and a second position to at least partially couple the handle to the door (Col. 2 Lines 22-34).

As to claim 2, Keil discloses that the first position (when the studs 15 and 16 are located at the large aperture portions 24a and 25a) is at a first distance from the latch bolt axis and the second position (when the studs 15 and 16 are located at the narrow aperture portions 24b and 25b) is a second distance from the latch bolt axis, the first distance being different from the second distance (see attachment #1).

As to claim 3, Keil discloses that the latch bolt axis is substantially perpendicular to the attachment axis.

As to claim 4, Keil discloses that the attachment member (21) is movable along an adjustment axis, the adjustment axis being substantially perpendicular to the latch bolt axis.

As to claim 5, Klein discloses that the handle includes a base (15 or 16) that defines a slot (19 or 20) to receive a shoulder portion (edges of 24 or 25) of the attachment member

As to claim 6, Keil discloses that the handle includes a base (15 or 16) that defines a slot (19 or 20).

As to claim 21, Keil further discloses that a base (16) is fixedly attached to the second end of the handle. The base (16) defines a slot (20), wherein the slot defines an adjustment axis that extends along a line between the first and the second ends of the handle.

As to claim 22, Keil discloses that the attachment member (21) is adapted to receive a fastener (15) along an axis substantially perpendicular to the attachment surface.

As to claim 24, Keil discloses that the attachment member includes a slider (the surface that has the apertures 24 and 25) engaged with the slot (20) and moveable within the slot between a first and a second position.

Allowable Subject Matter

5. **Claims 7-9 are allowed.**
6. **Claim 25 would be allowable** if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Reasons For Allowance

7. The following is an examiner's statement of reasons for allowance:

Claim 7 is allowable over the prior art of record and claim 25 presents allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the attachment member includes a T-shaped slider slidably engageable with the slot of the base.

Keil fails to disclose that the attachment member includes a T-shaped slider slidably engageable with the slot of the base. Keil discloses that the attachment member (21) includes a flat slider (the surface wherein the apertures 24 and 25 are located).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

8. Upon further search and consideration, a new ground(s) of rejection has been made on record in view of Keil.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.
Carlos Lugo
AU 3676

October 26, 2005.



**BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER**

